IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

WP(C).No. 33876 of 2006(G)

PETITIONER:

SABU @ SANTHOSH,
AGED 32, S/O.DIVAKARAN,
KUDUMIKKAL HOUSE, CHEPALAKODU DESOM,
ENGAKADU, WADAKKANCHERY, THRISSUR.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

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1. THE SUB INSPECTOR OF POLICE,
WADAKKANCHERY POLICE STATION,
THRISSUR DISTRICT.

2. THE STATE OF KERALA,
REP. BY THE SECRETARY TO THE GOVERNMENT,
HOME DEPARTMENT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

W.P(C).No.33876 of 2006

Dated this the 13th day of February, 2007

JUDGMENT

The learned Government Pleader submits that Crime No.47 of 2007 of Vadakkancherry Police Station under Section 324 I.P.C has been registered on 07.02.2007 on the basis of the statement given by the petitioner. Though there has been a delay in taking action on the basis of the statement given by the petitioner, I am satisfied, that no further directions need be issued. The learned counsel for the petitioner submits that in the peculiar facts and circumstances of the case, it may be ensured that the investigation is conducted by a senior official of the police and not by the 1st respondent who, it is now evident, was contumaciously responsible for not registering an F.I.R and initiating necessary steps for investigation.

2. I consider the said request to be absolutely justified. I am satisfied, that the Superintendent of Police, Thrissur District must be directed to ensure that the investigation is conducted by the Circle Inspector of Police having jurisdiction over the area.

3. This Writ Petition is, accordingly allowed in part, with the direction that the above said crime shall be entrusted for investigation to the Circle Inspector of Police having jurisdiction over the area by the Superintendent of Police, Thrissur. The learned Government Pleader shall forthwith communicate the direction to the Superintendent of Police.

4. Hand over a copy of this order to the learned counsel for the petitioner for production before the Superintendent of Police, Thrissur.

(R.BASANT, JUDGE)

rtr/-